HIGH COURT OF UTTARANCHAL AT NAINITAL

Review Application No. 4363
IN

Civil Revision No. 6 of 2004

Sri Jayant Kumar Goel ..... Petitioner

Versus

Sri Chandra Prakash Thapa ..... Respondent

Hon. Rajesh Tandon J.

Revision filed by the plaintiff against refusal to strike off the defence was decided on 2.8.2004. However review petition has been filed by the petitioner stating therein that a sum of Rs.82,785.50 is lying balance against the defendant towards the arrears of rent. The counsel for the petitioner has submitted the details of the rent due against the defendant. Counsel for the respondent has disputed the balance amount towards the arrears of rent as stated by the landlord.

In view of the findings that the admitted rent has been deposited, I find no infirmity in the order passed on 2.8.2004 and further the scope of review is limited.

However, the trial Court is directed to frame one of the point for determination and if the trial court finds that the

amount has not been deposited, the suit itself shall be decided on the basis of the issue framed therein.

Subject to the aforesaid observation, the review petition is disposed of.

11.8.2004 **(Rajesh Tandon J.)**
*Dhyani